

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DIANE R. GOCHIN,	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO. 18-CV-3348
	:	
ANDREW MARKOWITZ, <i>et al.</i>,	:	
Defendants.	:	

ORDER

AND NOW, this 13th day of September, 2018, upon consideration of Plaintiff Diane R. Gochin's *pro se* Amended Complaint (ECF No. 9), it is **ORDERED** that:

1. The Amended Complaint is **DISMISSED** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons set forth in the Court's Memorandum. Gochin's HOEPA, TILA, RESPA, FDCPA, and civil conspiracy claims are **DISMISSED with prejudice**. Gochin's FCRA claim is **DISMISSED without prejudice** to Gochin's right to amend, as set forth below. Gochin's state law claims are **DISMISSED without prejudice** to her right to raise them in state court, or her right to reassert them should she file a second amended complaint with respect to her FCRA claim.

2. Gochin is given leave to file a second amended complaint within thirty (30) days of the date of this Order in the event that she can state a plausible and timely claim for relief under the FCRA. If Gochin files a second amended complaint, she may also reassert her state law claims at that time. Any individual or entity that is not listed in the caption of the second amended complaint will not be treated as a defendant. Any second amended complaint must be a complete document that describes in detail the basis for Gochin's claims against each

defendant. If Gochin files a second amended complaint, the Clerk shall not make service until so
ORDERED.

3. The Clerk of Court is **DIRECTED** to send Gochin a blank copy of this Court's current standard form to be used by a *pro se* litigant filing a civil action bearing the above-captioned civil action number. Gochin may use this form to prepare her second amended complaint.

4. If Gochin fails to file a second amended complaint, her case may be dismissed for failure to prosecute without further notice.

BY THE COURT:

/s/ Juan R. Sánchez

JUAN R. SÁNCHEZ, C.J.